

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LYNNE FREEMAN,

Plaintiff,

v.

TRACY DEEBS-ELKENANEY P/K/A TRACY  
WOLFF, et al.,

Defendants.

Case No. 1:22-cv-02435-LLS-SN

**DECLARATION OF LYNNE FREEMAN  
IN SUPPORT OF HER MOTION FOR  
SUMMARY JUDGMENT**

**DECLARATION OF LYNNE FREEMAN**

I, Lynne Freeman, hereby declare as follows:

1. I am above eighteen (18) years of age and am competent to give the testimony set forth below. This declaration is given from my own personal knowledge except as otherwise indicated. If called as a witness, I could and would competently testify as follows:
2. In December of 2010, I hired Emily Kim and her agency, Prospect Agency, LLC, as my literary agent to help me secure a publishing deal for a young adult paranormal romance story I wrote called *Blue Moon Rising* (later called *Masqued* and referred to in this declaration as “BMR”).
3. When I signed with Kim she told me that she loved my writing and that my manuscript would only require a few minor edits before it was ready to send to publishers, but over the next three years Kim had me revise and rewrite parts of the story continuously. Over that more than 3-year period, I sent her approximately 50 versions of BMR along with notes, chapter outlines, summaries, and emails developing the characters and story.

1.

4. During the years since, I've lost computers with old BMR copies and my local email company (ISP—which I understand is discontinuing email service altogether this year) long since deleted old email due to its limited storage capacity without backup copies. One computer was lost to a flood in our home, and another was lost to a natural disaster in which our home was flooded to the point we never returned. However, I have been able to locate dozens of my BMR manuscripts and thirteen sets of notes, including copies that I emailed to my aunt and husband.
5. I registered the seventeen versions and notes with the United States Copyright Office under Registration Numbers TXu002276330; TXu002282260; TXu002276335 and TXu002276337. A true and correct copy of the registration certificates are attached hereto as **Exhibit 50**. The deposited works, each of which remains unpublished through today, are confidential and filed under seal as **Exhibits 1 through 30**.
6. I provided Kim each copy of my manuscripts and notes identified in paragraph 5.
7. Although I am suing for infringement of all my registered works described above, there are six versions of my manuscript and nine sets of my notes that I believe cover the vast majority of similarities between BMR and the first four books of the *Crave* series. Focusing on that subset results in a comparison of approximately 2,650 pages of my BMR work to a comparable 2,750 pages of the *Crave* series. I understand the 6 manuscripts were produced in this case under Bates Nos. LF 268941, LF 268451, LF 183654, LF 169398, LF 168183, LF 109542. The 9 sets of notes start with the following numbers: LF 089448, LF 261014, LF 089440, LF 175058, LF 089442, LF 140567, LF 089412, LF 089445, LF 174135. Those versions and notes, which are considered confidential and therefore filed under seal as **Exhibits 3 through 11** and **Exhibits 14 through 19** respectively, are the basis of my comparisons and the analysis in this motion.

8. When Kim was representing me, she regularly updated me on who she was submitting my manuscript to. In an email dated November 5, 2013 she told me that my “best bet” was Entangled Publishing, which was then reading the work. I understand that email is attached to the Declaration of Stephen Doniger as Exhibit 14.
9. At the end of 2013, Kim told me that she had no other publishers to whom she could send my manuscript. She advised me that the young adult paranormal romance genre had become oversaturated and began pressuring me to write adult contemporary romance, and even erotica books. I responded that I had no interest in writing contemporary romance or erotica.
10. In early 2014, Kim reiterated that my manuscript was a great story but we had missed the young adult market, and that if I would not write a contemporary romance and give her something new she would need to remove me from her website. Since I only wanted to write young adult fantasy romance, we decided to part ways amicably. Kim told me that the publishing industry wouldn’t be ready for a story like mine until my son graduated from high school (2021) and that would be a good time to bring BMR back.
11. Because I was told, and believed, that the young adult paranormal romance genre was oversaturated and it was not a great time to find a publisher for BMR, I decided to take time off to raise my son with the intention to return to BMR when he graduated high school as Kim advised. I continued writing and working on my craft.
12. While I was represented by Kim, she invited me to attend the Romance Writers of America conference in 2012 with her and some of her other clients. The first morning I attended, Kim invited me to meet her outside her hotel for coffee and introduced me to Tracy Wolff (then known as Tracy Deebs) who she introduced as her good friend and client who wrote erotica.

13. In March of 2021, I came across Tracy Wolff's *Crave*, released in April of 2020, in a local bookstore and purchased it not knowing what it was or who she was. As I began reading it, I was shocked. It was overwhelmingly similar to my BMR story and characters, and I soon realized particular detailed developments for my work and conversations I had with my agent about it were in its pages. Attached hereto as **Exhibit 31** is a true and correct copy of the First Edition *Crave* book that I purchased and upon which my comparisons below are based.

14. Since one paragraph cannot capture all the similarities between my work and the *Crave* series, I have created a Summary and Supporting Index with some of the most telling similarities in the stories. That index is attached hereto as **Exhibit 32**. But in short, both books concern an approximately seventeen-year-old girl, the heroine of the story, who is from San Diego but moves to Alaska after an accident kills her family members. Her last words with them were in a fight and she feels guilty. She suffers panic and anxiety from the trauma. She now lives with the only two family members she believes she has left, and they are both supernatural witches, which she doesn't know because she's been kept ignorant of the supernatural world by her overprotective family. They use a special tea to bind her powers to keep her safe. This specific detail was something I discussed at length with Kim. It is why tea is the beverage her family drinks and many scenes feature it—just like *Crave*. The story opens with the heroine on her way to school thinking of her family and her loss. When she arrives at school, she meets the romantic lead at the end of chapter two in both books. She soon discovers he is also suffering from loss; he believes his older brother was murdered and he feels responsible. In my story, the romantic lead's older brother was nineteen, in the *Crave* series, his older brother "looks about nineteen." As the story unfolds, she learns that he is a supernatural being who feels he has a

responsibility to stop the supernatural war. The climax of the story occurs when the heroine is abducted by a vampire who wants to bring back his / her dead mate (who is really alive in another dimension) and needs the heroine in order to do so. This vampire believes the heroine will be the reincarnation of his dead mate / will be used in a spell to resurrect her dead mate. This vampire wants to use the heroine as an act of vengeance against the person believed to be responsible for the mate's death. As the story unfolds, the heroine turns out to be a unique supernatural being made of magic who is a protector of supernaturals, humans, and other creatures. She is in danger because of what she is, and others are seeking to destroy her so that she can't affect the balance in the war. At the end of BMR early drafts and *Crave* (book 1 in the bonus chapter at the very end of the story), the Bloodletter character turns into a raven / winged creature and flies away.

15. I read the next three books in Wolff's series, *Crush* (released September 2020), *Covet* (released March 2021), and *Court* (released February 2022), and found that they used storylines and subplots from my BMR manuscripts that were omitted from the first *Crave* book. These subplots from BMR were used as main plots for the subsequent books, *Crush* (book 2), *Covet* (book 3) and *Court* (book 4). Attached hereto as **Exhibits 33 through 35** respectively are a true and correct copies of those books, which I also used in my comparisons.

16. I discovered that the main iterations of my BMR story, character traits, and character arcs were scattered throughout the first four *Crave* books in such a way that the theft cannot be fully detected unless all of the material is read. The offending *Crave* series books are 530-700 pages long. My BMR drafts are 400-600 pages long. Thus, as noted above, I have compared a similar number of pages (approximately 2,650 in BMR and 2,750 in *Crave* series) which is the most fair and logical way to compare the stories since *Crave* 5.

appears to have used various forms of plagiarism scattering the character development, storylines, and plots across the works.

17. For example, in BMR the heroine hears a voice in her head. The voice gives her warnings and tells her what to do. It screams at her and tells her to run. She doesn't know what the voice is. She later learns the voice in her head is a creature trapped in his supernatural form on an island in a steel trap and the properties of that trap keep him in that form. Once the trap is released he can shift back into his human form. When she cannot free him she tells him "But I'll be back for you, I promise." And she tells him "I'm a friend." She learns he is her long-lost father that she believed was dead. His kind speaks Gaelic and he tells her to call him Athair. Their kind can speak telepathically to one another. He has smokey-gray eyes. In *Crave* (book 1) the heroine hears a voice in her head that gives her warnings and tells her what to do. She doesn't know what the voice is. In *Crush* (book 2) she learns the voice in her head is a creature trapped in his supernatural form on an island in metal chains and the properties of those chains keep him in his supernatural form. When she cannot free him, she tells him "But I promise, we'll come back for you." In *Covet* (book 3) she goes back to free him and tells him, "I'm a friend." When she releases him, he shifts into a man with smoke-gray eyes. In *Court* (book 4), she learns he is her grandfather. He tells her to call him Alistair. His kind speak Gaelic and can communicate telepathically with one another. To aid the Court in seeing where the above appears in the respective works, I have created a "First Voice in Heroine's Head Character Index," a true and correct copy of which is attached hereto as **Exhibit 36**.

18. There is also a second voice the heroine hears in her head in both bodies of work who is another parallel character. Initially, he was said to be evil, depraved, and responsible for the deaths of many. He was thought to be dead but was alive in another dimension

(Otherworld in my work, other plane in Crave series). The heroine accidentally brought him back with her and was terrified when she realized it, which occurs in *Crush* (book 2). He has “stormy blue eyes” in both works, also referred to as the blue of a storm at sea (BMR) and storm-tossed blue that is oceanic (*Crush*). But it turns out this character is not the evil he was said to be and did what he did for the greater good. He helps the heroine and there is an attraction between them even though the heroine is in love with the romantic lead character. This character and story arc occurs in BMR and over the course of books two, three, and four of the *Crave* series, as can be seen in “Second Voice Ronan / Hudson Character Index” which I prepared and have attached hereto as **Exhibit 37**.

19. Wolff’s second book, *Crush*, mirrors a secondary storyline subplot of BMR in which powerful, magical objects must be found to stop a character (Ronan in *Crush* / Hudson in BMR, who are parallel characters in the works—discussed below) from bringing about the war. As noted above, the heroine learns that she accidentally brought him back with her from another dimension and she believed that if free he will bring war and an apocalypse. In truth, he is not evil and is offended that she would think so, and there is an attraction between them. Once the objects are found the heroine must pass a trial, and the evil vampire prince / king gives the heroine his special bite (the Kiss of Life or Death / the eternal bite), which could kill her. The heroine escapes his clutches and survives. The vampire prince / king will now be after her. I specifically identify where these similarities can be found in my Summary and Supporting Index attached hereto as **Exhibit 32**.

20. Wolff’s third book, *Covet*, follows another storyline subplot of BMR in which the heroine must accomplish another task which is to restore the Compact / find the Crown to stop the supernatural war and bring balance. The vampire prince / vampire king wants to bring supernaturals out of hiding from the human world and wants war and power. The

heroine is told about twin goddesses and that she is a descendant of one of them. She is told she is a queen. A tarot reading is performed, and the heroine draws the *Tower card*. Magical tattoos appear on the heroine and they are spells. Her tattoo “itches and burns” and she is *lit up* with pin pricks / needle pricks of magic. She learns that her kind of being are protectors of humans, supernaturals, and other creatures, and that she was born to keep the balance in the world. She is a special being with *magic in her veins / in her blood*. She is *magic / made of magic*. The heroine learns more about what she is and her role in the supernatural world throughout the story and that her kind *don’t walk the earth* in many numbers anymore due to a betrayal. The romantic lead wants to protect the heroine and she doesn’t want to be protected. The Ronan /Hudson character wants to help her learn to use her powers and stand on her own. He is intended to be / is her true mate. Again, these similarities are tied by page and line number to each work in my Summary and Supporting Index attached hereto as **Exhibit 32**. See also the Ronan / Hudson Character Index attached hereto as **Exhibit 37**.

21. Wolff’s fourth book, *Court*, follows yet another one of my BMR storylines subplots. The heroine has been hearing a voice in her head throughout the story. She was sent through a portal and met him earlier in the story when he was trapped / trapped in chains stuck in his supernatural form as an abomination / Unkillable Beast. She tried to free him earlier in the story, promised to come back for him and told him she was a friend. He is a creature like her, and she now learns he is her *father / grandfather*. His kind of supernatural beings speak *Gaelic*. Their kind can communicate with one another telepathically. He tells her to call him *Athair / Alistair*. The vampire prince / king is responsible for him being trapped in his supernatural form. The vampire prince/ king has kidnapped students at the heroine's school and is holding them hostage to get what he



wants. Taking them may cause a supernatural war. He is draining them of their powers by taking their life force which tells him what kind of magic they have / magic which takes their life force into himself. He threatens to drain the heroine's friends unless she does what he wants. She makes a deal with him to save her friends; she sacrifices herself. But the heroine ends up tricking him and he is injured. She and her friends are free. A structure like Stonehenge, a “small” Stonehenge / “Stonehenge Lite” is mentioned. *It is revealed that the vampire prince / king has a daughter by a woman who is not his mate. This daughter is related to the heroine by blood.* She is a supernatural being, like the heroine and her friends, and is nasty because she is aligned with her father, the vampire prince / king. The heroine feels sorry for her and offers her a chance to be on the heroine’s side. This character chooses to stay by her father’s side. War is on the horizon, the vampire prince / king is not dead, and there is fear that he is going to come after the heroine. See my Summary and Supporting Index attached hereto as **Exhibit 32**.

22. Not only does the overall storyline of the Crave series follow BMR, but there are multiple individual scenes that track with remarkable similarity. One such example is the scene of the first attack on the heroine in each work—a scene which sets the stage for the heroine being in danger in the story despite her not knowing that she is a unique supernatural being whose purpose is to bring balance. In this scene, she is attacked by two supernatural beings. Although they are vampires in *BMR* and werewolves in *Crave*, they are described the same—they are wearing jeans and t-shirts with no coats in the cold, Alaska winter weather. They have piercings and remind the heroine of *eighties rockers*. One is taller, the other is stocky. One has short blond hair. The “rules” are mentioned. One guy asks her a question and gets too close to her and says, “Well, well, well. Looks like...” He “reaches a hand out and grabs me.” The stocky guy restrains her the same

way: “my back to his front.” She “struggles” and hits his nose in BMR and tries to hit his nose in *Crave*. She “bucks” “kicks,” head butts and stomps on his toes in BMR and thinks about stomping on his toes in *Crave*. She tastes her own blood in her mouth and it’s metallic. She puts her “fists up.” She gets angry. The romantic lead rescues her but she doesn’t realize it at first, he wraps his arms around her, and scares the two guys. Afterward, she thinks about a self-defense class in BMR and self-defense training in *Crave*. The romantic lead looks her over, a secret is mentioned, he asks her if she’s okay, she says I’m fine, and he lets her know the attackers won’t be back. She thanks him for saving her but he doesn’t feel he deserves her thanks and “shakes” his head. In fact, he blames himself for putting her in danger. She wonders why the two guys weren’t affected by the cold. This scene is described in more detail with cites to BMR and *Crave* in the Heroine Character Index which I prepared, a true and correct copy of which is attached hereto as **Exhibit 38**, in which I found and referenced the above similarities so that the Court can readily find and verify them.

23. Another remarkably similar scene occurs when the Heroine is kidnapped by the vampire prince in BMR and the vampire prince’s mate in *Crave*. This is the climax of the story. There are cuffs to bind her hands, she is choked, and she is dragged across the ground while resisting (Heroine’s Female Nemesis Index, ¶¶ 22, 36, 38). This vampire tells the heroine that her family members’ deaths were no accident—that he / she caused it and was responsible. This character talks to the heroine about the pain of losing a mate, and that he / she intends to bring their dead mate back to life using the heroine to do so. The heroine thinks this character is a “crazy vampire” and feels sorry for him / her but then furious that this character killed her family members. The voice the heroine typically hears in her head that warns her and directs her actions at times, is noticeably absent.

(Heroine's Nemesis Character Index ¶ 32) The romantic lead shows up to save the heroine by collapsing the door / collapsing the wall and it makes a "shuddering" sound. (Heroine's Nemesis Character Index, ¶ 44-45, 49). In both works, a jealous vampire girlfriend is killed during this scene. In BMR, the vampire prince kills Selene, the vampire girlfriend who is jealous of the heroine and attacks her. In *Crave*, the romantic lead, kills Lia, the "dead" vampire prince's girlfriend who has harmed the heroine. In BMR, the heroine jumps on a demon's back to save the romantic lead with a dagger and stabs it with a "primal war cry." In *Crave*, Lia, the vampire prince's mate jumps on the romantic lead's back with a knife and stabs him with a "primal kind of war cry. When the demon / vampire prince's mate is stabbed, they disintegrate / explode into dust. Immediately following this scene, the romantic lead tells the heroine that he loves her for the first time. This scene is described in more detail with cites to BMR and *Crave* in my Heroine's Female Nemesis Index attached hereto as **Exhibit 39**. (The above scene begins on page 8 of the Heroine's Female Nemesis Index).

24. BMR and *Crave* share another similar scene in which the heroine's female nemesis character, Taylor / Lia gives the heroine a special drink in a cup that makes the heroine sick later. In BMR, this happens at a party, and in *Crave*, right after the party. Taylor / Lia tells her you'll like it / I hope you like it and hands her the cup. The heroine takes a sip and describes the taste as fruity / floral. The heroine tells her she needs to go home, and Taylor / Lia tells her to stay longer. Taylor / Lia is rude in this scene, rolls her eyes. After the heroine leaves, she becomes nauseated and rides waves of nausea / queasiness and throws up. This scene serves the same function in both works. The heroine believes she is human with no idea she is a powerful supernatural being. But the nemesis knows and wants to take her out of the way for her own purpose. The heroine is surrounded by

teens she believes are human but are not. The scenes are used for the same reason; to advance the plot and demonstrate early that the heroine is in danger, and to set up the later climax when she is kidnapped. (See Female Nemesis Character Index, **Exhibit 39**, ¶¶ 7-14).

25. There are numerous other substantially similar scenes as well, including the first kiss scene, which is the catalyst for the heroine's discovery of the supernatural world. The scene begins with the heroine and the romantic lead going outside together alone at night to view a special phenomenon in the sky. In BMR it's the northern lights, in *Crave* it's a meteor shower. It's winter, and it's cold. They kiss and the romantic lead loses self-control of his powers. In BMR, the romantic lead's eyes glow, in *Crave*, he causes an earthquake. In BMR, the heroine notices the romantic lead's eyes have changed and she is frightened of him. In *Crave*, the heroine doesn't realize the romantic lead caused the earthquake, but she is frightened of him when he starts yelling at her to go. In both scenes, the heroine thinks he is a monster / monstrous. The heroine does not learn the truth about what really happened until after the event the following day. She realizes something isn't right about him, questions whether he is a supernatural being, and demands to know the truth. (See the Heroine Index, **Exhibit 38**.)

26. In the second kiss scene, the romantic lead wants assurance from the heroine that she knows what she's getting into with him. She moves in to kiss him but he doesn't respond and she is embarrassed. Their fingers are laced, and they talk about who and what he is, and she tells him it doesn't matter to her. In this scene he believes she is a human girl, and she doesn't know what she is either. He tells her he doesn't want her to walk away because he would be missing something so important he can't take that chance / She tells him she doesn't want him to walk away because she'd go her whole life not knowing

what this is. They kiss. He groans low in his throat—notably he does this in the second kiss scene and not the first. He tells her he won’t lose self-control like he did during their first kiss. He touches a “lock” of the heroine’s hair and often touches her hair throughout the story. (See the Romantic Lead Character Index prepared by me, a true and correct copy of which is attached hereto as **Exhibit 40**).

27. There are many other similar scenes throughout the works, such as the heroine stepping into a room in the Alaskan winter and finding herself outside in the summer in another place that isn’t Alaska. And the scene where the heroine tries to use her powers to heal for the very first time on an Alaskan beach. The stink of charred flesh fills the air, and the beach is littered with bodies. She imagines and envisions and pours her energy into the healing and realizes she’s doing it. There is a scene where the heroine seeks advice from the High Priestess (BMR) / Bloodletter (*Crave* series) who is later revealed to be the heroine’s grandmother (discussed below). The heroine thinks about a fortune-teller when she’s with this character. This character doesn’t reveal she’s the heroine’s grandmother for a while. She hugs the heroine, calls her child and darling, and tells her she’s been given a great gift and sacrifice is required. [See Heroine’s Grandmother Character Index.] There are many, many such scenes as documented in the Character Indices I prepared and the Summary Supporting Index I prepared, a true and correct copy of which is attached hereto as **Exhibit 32**.

28. There are also similar settings for many of the scenes. Even beyond the fact that both take place at a high school in Alaska, there is a very similar castle (although it is the school in *Crave* and the romantic lead’s home in BMR) which is in a remote area, a vortex/portal tied to the North and South Poles that operates on the energy of Alaska, and a refuge for

supernatural beings called “Katmai” in BMR and “Katmere” in *Crave*. [See the Summary Supporting Index, **Exhibit 32**.]

29. I recognize my BMR characters throughout the Crave Series, often with only superficial changes masking that they are essentially the same characters serving the same purposes in the story and often doing the same things with essentially the same outcomes. Even their unusual eye colors are the same for several of the parallel characters. For example, the first voice the heroine hears in her head character (who is her father in BMR and grandfather in Crave series and are parallel characters) has smokey gray eyes / smoke-gray eyes. The second voice she hears in her head character, (Ronan in BMR and Hudson in Crave who are parallel characters) has “stormy blue” eyes, also described as the blue of a storm at sea (BMR) and storm-tossed blue that is oceanic (Crave). The grandmother character (also a parallel character) has green eyes with “more than a hint of danger (BMR) / avarice (Crave). The vampire prince / vampire king (parallel character) has eyes an intense “shade of” blue (BMR) “shade of cobalt” (Crave). The romantic lead in BMR has eyes that are “molten amber” and this color of “molten amber” is distributed to the male friend in Crave. The names are also remarkably similar, with each work including the following unusual eleven names: The Bloodletter, God of Chaos, Queen of Shadows /Shadow Queen, Marise, Fiona, Lily, Emma, Collin / Colin, Aedan / Aidan, Gwendolyn / Gwen, and Mason / Macy.<sup>1</sup> A true and correct copy of a short index of characters in common between both works prepared by me is attached hereto as **Exhibit 41**. A twelfth character name, Morrigan, is used in the Crave series as Morrigan’s dagger. A brief

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<sup>1</sup> And the names of the heroines are Anna and Grace, which is curious since Anna means “grace.” See [https://en.wikipedia.org/wiki/Anna\\_\(name\)](https://en.wikipedia.org/wiki/Anna_(name)) (“Anna is a feminine given name, the Latin form of the Greek: Ἀννα and the Hebrew name Hannah... meaning “favour” or “grace”...”).

analysis of some of those characters, which is fleshed out more fully in my character indices, is below:

30. ***The Heroine, Anna / Grace:*** In what is by far the longest character index I prepared, a true and correct copy of which is attached hereto as **Exhibit 38**, I set forth many of the similarities between the heroine Anna of BMR and Grace of the Crave series, including the remarkable similarities in their backgrounds, families, supernatural qualities and purpose, their journeys through a portal to meet one of those voices only to learn he is her long-lost father/grandfather, their relationship with the romantic lead, their being drugged by the female nemesis and kidnapped by/for the vampire prince/vampire king, and much more. They often say the same things, have the same inner dialogue, and make the same pop culture references. Their favorite food is from a local Mexican restaurant, they love cookies and tea, they're both avid readers, quote literature by heart, argue about French philosophers, and they suffer from panic attacks for which they count and use breathwork to cope. At the beginning of the story, this character is one who wants to fit in and not be noticed. This changes as the story progresses. She ducks her head down / chin down self-consciously. She babbles when she's nervous and has word vomit / vomits words. Her aunt is / mother was an herbalist who made special tea blends, etc.

31. ***Romantic lead:*** As set forth more fully in the index that I prepared comparing the romantic lead in Crave (Jaxon) with the romantic lead in BMR (Ash) and providing quotes from and cites to each work, both are supernatural beings who heal quickly and have the ability to "cast" or "fade" such that they seem to temporarily disappear. They give the heroine a healing bite that isn't really a bite when she is hurt and in danger of bleeding to death. They believe they have a responsibility in the war between the races of supernatural beings. The romantic lead and the heroine meet in each work at the end of

chapter two which is the first school day in the story. When they meet, he is suffering from the loss of his older brother who was murdered, and he believes he was responsible. His older brother was nineteen (BMR) “looks about nineteen” (Crave). The heroine has also lost family members and feels guilty because she had a fight with them just before they died. They connect through their mutual loss. He tries to stay away from the heroine because he thinks she is a human girl, and that being with him will put her in danger due to her association with him and his world. Their first kiss, where he loses control of his powers, is the catalyst for her discovery of the supernatural world. And he is described the same way in both works, even down to his scent “his scent-citrus and spice now... waterfalls” in BMR and “orange and freshwater scent of him” in *Crave*. A true and correct copy of my Romantic Lead index is attached to this declaration as **Exhibit 40**.

32. ***Heroine’s Closest Male Friend***. As detailed in my “Heroine’s Male Friend” index, each heroine has a closest male friend at school who is multiracial, part Black and gay—something only revealed to the heroine. He is described as “beautiful” and “gorgeous” and very smart as well. The heroine finds him beautiful in his supernatural form. In both works, the romantic lead doesn’t like the heroine being around him. He is known for his sense of humor, he calls the heroine nicknames (BMR) a nickname (Crave) and “waggles his brows” at her. He is smart, athletic, and in a leadership position at school (class president in BMR and team captain in *Crave*). He is a winged supernatural being (a faery in BMR and a dragon in *Crave*). Crave describes the male friend’s eye color as “molten amber” while BMR describes the romantic lead’s eye color as “molten amber.” A true and correct copy of that index is attached to this declaration as **Exhibit 42**.

33. ***Vampire prince / Vampire king***. As set forth more fully in the index that I prepared comparing BMR’s Julian the vampire prince and *Crave*’s Cyrus the vampire king, they



are essentially the same character. This villain wants war and power and wants supernatural beings to take over the earth. He is tall with short dark hair and a British accent. In BMR, the heroine describes him as “like a king cobra” and in Crush she says he's “like a cobra.” He has a special bite given the “old-fashioned way” which he gives to the heroine, it could/should kill her, but she survives. In both stories he is responsible for imprisoning the heroine’s father/grandfather and trapping him in his supernatural form. *He also has a daughter by another woman who is not his mate—and who is related to the heroine by blood.* At one point in each story the heroine bargains with him to save the lives of her friends. A true and correct copy of that index is attached to this declaration as **Exhibit 43.**

34. ***Heroine’s female nemesis.*** As set forth in the index that I prepared comparing BMR’s Taylor and *Crave*’s Lia, they are parallel characters with remarkable similarities that serve the same purpose. In both works she is the heroine’s nemesis. She is described as one of the most beautiful girls the heroine has ever seen and is a supernatural being that sucks the life out of others for sustenance (succubus in BMR, vampire in *Crave*). She is mean to the heroine, tries to slap her face, and tries to make the heroine believe that she is romantically involved with the romantic lead, although in both works the heroine doesn’t ultimately believe her and in both stories she and the romantic lead don’t get along. In both stories she gives the heroine a special drugged drink which makes her throw-up. She aides in /is responsible for the kidnapping of the heroine at the climax of the story, calling her pathetic and telling the heroine that she is not what she thinks she is. A true and correct copy of the index prepared by me is attached to this declaration as **Exhibit 39.**

35. ***The First Voice inside the Heroine’s head.*** As my “First Voice Inside Heroine’s head” index details, the heroine of each story hears a voice in her head that warns her of danger

and at times directs her actions. At first she has no idea who or what it is, but later as the story unfolds, she learns that it is a supernatural creature referred to as the abomination in BMR and the Unkillable Beast in *Crave*. In fact, the voice turns out to be her long-lost father (BMR) / grandfather (Crave). He tells her to call him Athair (BMR) / and he tells her to call him Alistair (Crave). She travels through a portal to visit him where the vampire prince/vampire king trapped him in his supernatural form in another dimension in a steel trap (BMR) / steel shackles (Crave). She tells him “I’m a friend.” His eyes are “smoky gray” / “smoke gray.” His kind speak Gaelic and can communicate telepathically with their own kind. The heroine is unable to free him “no matter how hard” she tries and “promises” to come back for him. A true and correct copy of my index is attached to this declaration as **Exhibit 36**.

36. *The Second Voice Inside the Heroine’s Head*. Another index I created compares Ronan of BMR to Hudson of *Crave*. Both start out as the second voice the heroine hears in her head. He was living in another dimension until the heroine accidentally brings him back with her and is terrified when she realizes it. In both works, he is a character thought to be evil and depraved, responsible for the deaths of many, and it would be an apocalypse if he were freed. He remembers her from the other dimension but she doesn’t remember him, although his voice is familiar. He is in fact not evil and did what he did for the greater good. He is royal, extremely good looking with stormy blue eyes (and the blue of a storm at sea in BMR and storm-tossed blue that is oceanic in *Crave*). He is part vampire in BMR and a vampire in *Crave*, and has an accent that is “neither British nor Scottish” in BMR and is British in *Crave*. He has powerful magical gifts, including the ability to take away a person’s free will. A true and correct copy of my “Second Voice in Heroine’s Head” index is attached to this declaration as **Exhibit 37**.

37. ***Heroine's Aunt / Uncle.*** As set forth in the index that I prepared comparing BMR's Aunt Brie and *Crave's* Uncle Finn, they too are parallel characters with remarkable similarities that serve the same purpose. This character is one of only two relatives the heroine believes she has left in the world. They are supernatural witches and she now lives with them. The heroine sees this character as a type of parental figure and they have a loving relationship. This character gives the heroine advice and information about the supernatural world after having kept her ignorant about it. They discuss the loss of her family, the character is protective of her and concerned for her safety, and at one point wants her to leave Alaska to keep her safe. They also discuss the romantic lead. This character talks to the heroine about her father's amulet with stones that the heroine now has / rune stones that were her father's and she now has and urges her not to ever take it off / to keep it on at all times. This character kisses her on top of her head as a sign of affection. A true and correct copy of that index is attached as **Exhibit 44.**

38. ***Heroine's Grandmother.*** As detailed in the "Heroine's Grandmother" index that I prepared, a character in both works is the grandmother that the heroine didn't know she had. Both characters are vampires and have gleaming green eyes with "more than a hint" of danger/avarice in them. She is the daughter of a deity, lives in a remote place/ice cave, and the heroine is reminded of a fortune-teller when she's with her. She calls the heroine child and darling. There is a twin goddess creation story and the heroine is told that her kind of supernatural being were created to bring balance, and that she descends from one of the twin goddesses. She tells the heroine that she has great gifts that demand sacrifice and is to restore the balance / bring balance in the world. In addition, Wolff's *Crave* bleeds other BMR characters into the heroine's grandmother. For example, in BMR the "God of Chaos" is the Heroine's father and the "Bloodletter" is another name given to the

heroine's second love interest, but in *Crave* the heroine's grandmother is also both the "Bloodletter" and the "God of Chaos." A true and correct copy of my Heroine's Grandmother index is attached to this declaration as **Exhibit 45**.

39. There are additional parallel characters including the heroine's new best friend, the best friend's love interest, and the vampire prince /vampire king's daughter by a woman who is not his mate that is related to the heroine by blood, for example.

40. Finally, as I read the books in the *Crave* series, I was stricken by the overwhelming similarity between the language and idioms in it and those I used in BMR. I discovered that the same characters say the same or very similar things using the same words. The heroine's inner dialogue is often the same as well. I saw massive amounts of my writing loosely paraphrased and spread throughout the *Crave* series, sometimes in the same context and other times repurposed into other contexts. In order to demonstrate this to the Court, I created four language indices to identify what appears to be the liberal paraphrasing of my work in each of the *Crave* books. I initially found so much of my work in the *Crave* books that I created indices of over one hundred fifty pages per book, but I undertook great effort to significantly shorten those indices to include just a representative sampling of what I found. Those four indices are attached hereto as **Exhibit 46** (the Crave Language Index), **Exhibit 47** (the Crush Language Index), **Exhibit 48** (the Covet Language Index), and **Exhibit 49** (the Court Language Index).

41. For each of the indexes I am providing to this Court, I personally reviewed the Crave books, took notes on what was familiar, compared those Crave passages to my work, and documented by book or iteration and page number where those similarities could be found. This was a painstaking task requiring hours and hours of time but has left me with no doubt that the *Crave* series, which tells the same story as my BMR work with

essentially the same characters and remarkably similar language, is an unauthorized reworking of my BMR work.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

Executed on November 22, 2023 in Santa Barbara, California.

By: *Lynne Freeman*  
Lynne Freeman  
Declarant